

*** NOTE: TO RETURN TO THIS PAGE, CLICK ON THE COUNTY SEAL ***

[CLICK HERE FOR THE CEO's REPORT DATED JUNE 25, 2008](#)

[CLICK HERE FOR THE CEO's REPORT DATED JULY 28, 2008](#)

[CLICK HERE FOR THE CEO's REPORT DATED SEPTEMBER 3, 2008](#)



County of Los Angeles
CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

June 25, 2008

To: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

STATUS ON EMPLOYMENT DISCRIMINATION COMPLAINT PROCESS AND REQUEST FOR EXTENSION

On May 13, 2008, on a motion by Supervisor Molina, the Board instructed the Chief Executive Officer to report back by June 30, 2008 on: 1) the Office of Affirmative Action Compliance (OAAC) recommendations to improve monitored departments' compliance with the County Employment Discrimination Complaint Process; and 2) identify the costs, opportunities for cost-savings, such as the reallocation of resources from the involved departments, and the efficacy of centralizing the investigative responsibilities of identified departments within the OAAC.

An OAAC survey instrument was distributed to all affected departments in order to assess their Employment Discrimination Complaint Process investigation effectiveness. The OAAC is in the process of assessing the survey responses and is meeting with departmental representatives to discuss the results. A time extension is necessary to analyze and validate the survey information against the OAAC's internal data.

Accordingly, we are requesting an additional 30 days to complete our report back to your Board. If you have any questions or need additional information, please contact me, or your staff may contact Molly Gonzalez at (213) 893-2382.

WTF:ES
GS:MG:cg

c: Office of Affirmative Action Compliance
Executive Officer, Board of Supervisors

K:\Board Memos\CEO Board Memos Word\6-25-08 Employment Discrimination Complaint Process Extension request.doc

"To Enrich Lives Through Effective And Caring Service"

*Please Conserve Paper – This Document and Copies are Two-Sided
Intra-County Correspondence Sent Electronically Only*



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

July 28, 2008

To: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

STATUS OF EMPLOYMENT DISCRIMINATION COMPLAINT PROCESS AND REQUEST FOR EXTENSION

On May 13, 2008, on a motion of Supervisor Molina, the Board instructed the Chief Executive Officer to report back by June 30, 2008 on: 1) the Office of Affirmative Action Compliance (OAAC) recommendations to improve monitored departments' compliance with the County Employment Discrimination Complaint Process; and 2) identify the costs, opportunities for cost-savings, such as the reallocation of resources from the involved departments, and the efficacy of centralizing the investigative responsibilities of identified departments within the OAAC.

On June 25, 2008, the Board granted our office an extension to July 30, 2008, in order to analyze and validate survey responses against the OAAC's internal data. Thus far, the OAAC has conducted an initial assessment of the survey responses from 28 departments; met with departmental representatives to discuss the results; interviewed staff responsible for monitoring departments; and identified costs associated with monitoring employment discrimination complaints. This process has proven to be much more time consuming than originally projected. Accordingly, we respectfully request an extension to August 31, 2008, to be able to fully assess the Employment Discrimination Complaint Process investigation effectiveness of the affected departments.

If you have any questions or need additional information, please contact me, or your staff may contact Molly Gonzalez at (213) 893-2382.

WTF:ES
GS:MG:cg

c: Office of Affirmative Action Compliance
Executive Officer, Board of Supervisors

K:\Board Memos\Affirmative Action\Employment Discrimination Complaint Process Extension 2nd request.doc

"To Enrich Lives Through Effective And Caring Service"

**Please Conserve Paper – This Document and Copies are Two-Sided
Intra-County Correspondence Sent Electronically Only**



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

September 3, 2008

To: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

STATUS OF EMPLOYMENT DISCRIMINATION COMPLAINT PROCESS AND REQUEST FOR EXTENSION

On May 13, 2008, on a motion of Supervisor Molina, the Board instructed the Chief Executive Officer to report back by June 30, 2008 on: 1) the Office of Affirmative Action Compliance (OAAC) recommendations to improve monitored departments' compliance with the County Employment Discrimination Complaint Process (EDCP); and 2) identify the costs, opportunities for cost-savings, such as the reallocation of resources from the involved departments, and the efficacy of centralizing the investigative responsibilities of identified departments within the OAAC.

On July 28, 2008, the Board granted our Office an extension to August 31, 2008, in order for the OAAC to fully assess the EDCP investigation effectiveness of the affected departments. The OAAC has finalized the EDCP assessment of all monitored departments and has submitted their findings and recommendations. Additional time is needed in order for our office to further analyze the audit findings and determine the efficacy of centralizing the investigative responsibilities of identified departments within the OAAC. Accordingly, we respectfully request an extension to September 26, 2008.

If you have any questions or need additional information, please contact me, or your staff may contact Molly Gonzalez at (213) 893-2382.

WTF:ES
GS:MG:ef

c: Office of Affirmative Action Compliance
Executive Officer, Board of Supervisors

K:\Board Memos\CEO Board Memos Word\09.04.08 Employment Discrimination Complaint Process Extension 3rd request.doc

"To Enrich Lives Through Effective And Caring Service"

**Please Conserve Paper – This Document and Copies are Two-Sided
Intra-County Correspondence Sent Electronically Only**



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

September 10, 2008

To: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name of the Chief Executive Officer.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

REPORT ON EMPLOYMENT DISCRIMINATION COMPLAINT PROCESS

On May 13, 2008, on motion of Supervisor Molina, the Board instructed the Chief Executive Officer (CEO) to report back by June 30, 2008 on: 1) the Office of Affirmative Action Compliance (OAAC) recommendations to improve monitored departments' compliance with the County Employment Discrimination Complaint Process (EDCP); and 2) identify the costs, opportunities for cost-savings, such as the reallocation of resources from the involved departments, and the efficacy of centralizing the investigative responsibilities of identified departments within the OAAC.

On July 28, 2008, our office requested an extension to August 31, 2008, to be able to fully assess the results of the OAAC survey and report back to your Board.

BACKGROUND

Under the EDCP, County departments have the fiduciary responsibility of investigating employment discrimination complaints in a fair and impartial manner. OAAC's role is to provide central monitoring and oversight of departments for all employment discrimination complaints filed against Los Angeles County. This process is known as the Monitoring Model. This includes complaints filed with external enforcement agencies such as the United States Equal Employment Opportunity Commission, the California State Department of Fair Employment and Housing, the courts, and any other government enforcement agency.

Under the Monitoring Model, OAAC's role is to assess the complaint jurisdiction; review investigation reports; and review proposed corrective action promptly when allegations are substantiated. The Monitoring Model is inherently a cumbersome and inefficient process because of the duplicate and redundant nature of the OAAC's role in reviewing and approving investigations that have already been reviewed by the department's supervisor and management. The multiple layers of review and approval by both the department and OAAC delay finalizing the investigations and contribute to creating case backlog. Another inherent

"To Enrich Lives Through Effective And Caring Service"

**Please Conserve Paper – This Document and Copies are Two-Sided
Intra-County Correspondence Sent Electronically Only**

problem is that OAAC Deputy Affirmative Action Compliance Officers (DCO) monitoring department investigations cannot validate or attest to the veracity of the investigations conducted by line departments. This is especially true because OAAC DCOs do not supervise the line investigators; they only review the final work product. Many departments require multiple layers of reviews and revisions of the investigative reports prior to submission to OAAC. The investigative and review process is also problematic when the investigators and/or supervisors do not possess adequate training and knowledge to properly analyze the theories of discrimination.

In recent years, OAAC has implemented shared services agreements with six County departments. Under shared services agreements, OAAC has contracts with the Department of Health Services, Fire Department, Department of Public Health, Department of Public Social Services and Department of Public Works wherein OAAC assumes responsibility for the investigations of all employment discrimination complaints filed against the department. The OAAC utilizes DCOs, who are full-time employees dedicated to conducting employment discrimination complaint investigations as a profession. This model is referred to as the Shared Services Model. Additionally, under the shared services agreement with the Sheriff's Department, OAAC assumes responsibility for complaint intake assessment only. Once the assessment has been made, cases are referred to the Sheriff's Equity Internal Affairs unit for investigation. The Shared Services Model has resulted in timely, thorough, and effective employment discrimination investigations. In FY 2007-08, under the Shared Services Model, approximately 83% of the caseload was less than 90-business days old. The specific breakdown of the caseload and case age is summarized in Table 1.

Table 1. Open Case Age of OAAC Shared Services Investigation Sections

OAAC INVESTIGATIONS	Business Days			Total
	≤ 90	91-180	180+	
Public Social Services	37	4	0	41
Health Services	107	2	2	111
Public Health	14	4	0	18
Public Works	10	9	3	22
Fire	10	8	5	23
Total:	178	27	10	215

OAAC AUDIT AND FINDINGS

To determine departmental compliance with the EDCP, OAAC conducted an audit of all monitored departments. The OAAC completed their audit and provided our office with their findings on August 21, 2008. Utilizing the following three parameters - high caseload volume, extended open case age, and prolonged closure rates - seven departments were identified as having a higher potential for exposing the County to risk and liability. Each of these departments experienced difficulties with all three parameters measured. The seven departments are as follows: Department of Children and Family Services, Probation Department, Department of Mental Health, Registrar-Recorder/County Clerk, Parks & Recreation, Internal Services Department, and Office of Public Safety. Table 2 reflects the open

case age in FY 2007-08 for the monitored departments. The seven aforementioned departments comprised 379 of the 454 total open monitored cases, or 83.5% of the total.

Table 2. Open Case Age of Monitored Departments

MONITORED DEPARTMENTS	Business Days			Total
	≤ 90	91-180	180+	
Children and Family Services	42	20	62	124
Probation	13	9	61	83
Mental Health	23	10	38	71
Registrar-Recorder/County Clerk	17	1	14	32
Parks & Recreation	12	11	6	29
Internal Services	10	5	10	25
Office of Public Safety	7	5	3	15
<i>Subtotal:</i>	124	61	194	379
All Others	30	10	35	75
Total:	154	71	229	454

Although monitored departments and staff assigned to conduct investigations are earnest in their work, common challenges identified from the audit were: 1) inadequate allocation of departmental resources; 2) staff retention and lack of permanency; and 3) inadequate training of investigative, supervisory, and management staff in theories of employment discrimination. The OAAC's audit disclosed that the majority of monitored departments utilize human resources staff that perform multiple human resources functions. Given the multiple job responsibilities of these staff, the investigation and reporting of complaints to OAAC is ancillary to their primary job duties. Furthermore, depending on their job classification, the investigators may not have the necessary authority to access different levels within the department, therefore leading to delays in the EDCP. Additionally, there are instances where department investigators are perceived as not maintaining objectivity due to their close involvement in other departmental human resources activities.

The seven affected departments expend approximately \$2.2 million annually to conduct decentralized investigations, of which \$1.7 million is attributable to departmental staff salary and employee benefits costs and \$0.5 million for OAAC monitoring services. Under a centralized Shared Services Model, OAAC's cost to investigate these complaints within the targeted 90-business days is approximately \$1.8 million annually plus \$0.2 million in one-time startup costs. Although the OAAC estimated cost to conduct investigations for these departments is less, no significant cost-savings would be realized because the majority of departments will need to keep most of these positions to perform their regularly assigned human resources responsibilities. A component of departmental and Shared Services EDCP costs are shown in Table 3.

Table 3. Departmental and Shared Services EDCP Cost Comparison

Monitored Department	Average Annual Intake	Current Model		Proposed Model
		Dept Staffing Cost*	OAAC Monitoring Costs**	Shared Services Cost
Children and Family Services	62	\$583,000	\$127,000	\$478,000
Probation	49	\$356,000	\$144,000	\$378,000
Mental Health	45	\$216,000	\$109,000	\$347,000
Registrar-Recorder/County Clerk	23	\$144,000	\$54,000	\$177,000
Parks & Recreation	22	\$92,000	\$32,000	\$170,000
Internal Services	20	\$172,000	\$52,000	\$154,000
Office of Public Safety	10	\$102,000	\$26,000	\$78,000
Total	231	\$1,665,000	\$544,000	\$1,782,000

* Staffing cost based on reported time utilization.

** Budgeted amount for FY 2008-09 for OAAC monitoring services.

In conclusion, our office is in agreement with the OAAC's finding that the Shared Services Model is the optimal model because it improves the investigation process, ensures compliance with OAAC risk management protocols, and leads to long-term cost-savings. The end result is greater accountability and opportunities to minimize risk and liability to the County.

RECOMMENDATIONS

1. OAAC should assume responsibility for employment discrimination investigations for monitored departments, focusing initially on the following departments: Department of Children and Family Services, Probation Department, Department of Mental Health, Registrar-Recorder/County Clerk, Parks & Recreation, Internal Services Department, and Office of Public Safety. Departments will be responsible for completing current outstanding investigations with OAAC's assistance and supervision. The OAAC assumes responsibility for investigating all new complaints. Departments and OAAC may utilize existing staff in the transition from the Monitoring Model to the Shared Services Model;
2. Our Office will work with the OAAC and client departments to: address staffing and budget issues, including a transition plan identifying work strategies to eliminate any backlog; identify funding sources necessary to implement the Shared Services Model; and reallocate existing staff upon transition to the Shared Services Model;
3. OAAC will work with all other departments interested in transitioning to the Shared Services Model;

Each Supervisor
September 10, 2008
Page 5

4. OAAC will implement an enhanced case management compliance reporting procedure and provide the Board of Supervisors, the CEO and Department Heads with a report on outstanding investigations every quarter;
5. OAAC will provide an annual evaluation report to the Board of Supervisors and the CEO on the progress of monitored departments' compliance with the EDCP; and
6. OAAC, in conjunction with the Department of Human Resources (DHR), will develop an Employment Discrimination Investigation Training Program for County investigators through the DHR Learning Academy to enhance skills and develop new investigator candidates.

If you have any questions or need additional information, please contact me, or your staff may contact Gevork Simdjian at (213) 893-9736.

WTF:ES
GS:MG:ef

c: Office of Affirmative Action Compliance
Department of Human Resources
Executive Officer, Board of Supervisors